

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

---

SIOUX STEEL COMPANY, a South  
Dakota corporation,

Civ. 15-4136

Plaintiff,

vs.

KC ENGINEERING, P.C., an Iowa  
corporation,

Defendant.

---

**AFFIDAVIT OF MICHAEL F. TOBIN  
IN OPPOSITION TO  
MOTION TO STRIKE**

STATE OF SOUTH DAKOTA     )  
  :SS  
COUNTY OF MINNEHAHA     )

I, Michael F. Tobin, being duly sworn on oath, depose, state, and declare as follows:

1. I am the attorney for KC Engineering, P.C., and have knowledge of the following.
2. Attached hereto as **Exhibit A** is a true and accurate copy of highlighted portions of the deposition of Chad Kramer.
3. Attached hereto as **Exhibit B** is a true and accurate copy Rod Nohr's Initial Report.
4. Attached hereto as **Exhibit C** is a true and accurate copy John Carson's Supplemental Report.
5. Attached hereto as **Exhibit D** is a true and accurate copy of John Carson's Report.
6. Attached hereto as **Exhibit E** is a true and accurate copy of portions of John Carson's deposition.
7. Attached hereto as **Exhibit F** is a true and accurate copy of EP 433.

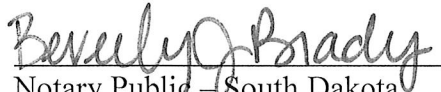
8. Attached hereto as **Exhibit G** is a true and accurate copy of an email exchange between Chad Kramer and Les Garcia.

9. Attached hereto as **Exhibits H, I, J, K & L** are true and accurate copies of warnings about the use of soymeal in storage bins from various storage bin companies considered competitors with Sioux Steel.

Dated this 5<sup>th</sup> day of April, 2018.

  
\_\_\_\_\_  
Michael F. Tobin

Subscribed and sworn to before  
me this 5<sup>th</sup> day of April, 2018.

  
\_\_\_\_\_  
Notary Public - South Dakota  
My Commission Expires: 7/5/2021

